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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,721	06/23/2003	David G. Peot	10710/197 (PTG-1063-PAP)	8690
7590 02/25/2005			EXAMINER	
Brinks Hofer Gilson & Lione NBC Tower Suite 3600 P.O. Box 10395 Chicago, IL 60610			DEXTER, CLARK F	
			ART UNIT	PAPER NUMBER
			3724	
DATE MAILED: 02/25/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/601,721

Applicant(s)

PEOT ET AL.

Examiner

Clark F. Dexter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. The amendment filed on November 18, 2004 has been entered.

Drawings

2. The drawings were received on November 18, 2004. These drawings are unacceptable because the changes made thereto are considered to add new matter. Specifically, there is no support in the original disclosure for the specific structure added to the drawings.
3. The drawings stand objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "frame" as set forth in claims 1 and 17 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

If a drawing correction is considered to be necessary, corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement

sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The amendment filed November 18, 2004 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

It is respectfully submitted that there is no basis in the original disclosure for the changes made to the drawings as described above and thus there is no basis for the changes made to paragraph 0022 and 0023.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

5. Claims 1-11 and 17-20 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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In claim 1, line 2, "frame" is vague and indefinite as to what disclosed structure it refers; in line 8, "said housing" lacks antecedent basis.

In claim 17, line 2, "frame" is vague and indefinite as to what disclosed structure it refers.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Groff, pn 291,187.

Groff discloses a table saw with every structural limitation of the claimed invention including first and second slots (e.g., s, s'), a multi-position pin (e.g., f of q'), and a second pin (e.g., f of q).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 4-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groff, pn 291,187.

Regarding claims 4, 5, 12, 14 and 18, Groff lacks a bail pivotally mounted to the top plate of the guard. However, the Examiner takes Official notice that bails, particularly arc-shaped bails are old and well known in the art and provide various well benefits including safety benefits. Troupenat, pn 997,720 discloses a sawing device with a bail (e.g., 11, 12), wherein the bail has distinct left and right bail portions. Therefore, it would have been obvious to one having ordinary skill in the art to provide a bail on the table saw of Groff for the well known benefits including that described above.

Regarding claims 6-10, 12, 13, 19 and 20, Groff lacks the various viewing features including a viewing slot, a magnifying lens and a light source. However, the Examiner takes Official notice that such features are old and well known in the art and provide various well known benefits including assisting an operator in viewing the

workpiece and/or the blade during a cutting operation. Wappat, pn 1,830,579, Campbell et al., pn 5,794,351 and Bosten et al., pn 5,375,495 provide examples of such viewing features. Therefore, it would have been obvious to one having ordinary skill in the art to provide such viewing features on the table saw of Groff for the well known benefits including that described above.

Regarding claim 11, Groff lacks the riving knife raising and lowering with the saw blade. However, the Examiner takes Official notice that such a riving knife configuration is old and well known in the art and provide various well known benefits including maintaining a desired relationship between the riving knife and the blade. Neighbour, pn 1,821,113 discloses one example of such a configuration (e.g., see Fig. 4).

Therefore, it would have been obvious to one having ordinary skill in the art to provide a riving knife that raises and lowers with the saw blade on the table saw of Groff for the well known benefits including that described above.

Regarding claim 17, Groff lacks the first pin having a lever. However, the Examiner takes Official notice that levers on fastening devices such as that disclosed in Groff (e.g., f) are old and well known in the art and provide various well known benefits including facilitating tightening of the fastener by providing a lever to apply additional leverage. Therefore, it would have been obvious to one having ordinary skill in the art to provide a lever on the first pin of Groff for the well known benefits including that described above.

Response to Arguments

10. Applicant's arguments filed November 18, 2004 have been fully considered but they are not persuasive.

In the second paragraph on page 9 of the amendment, applicant argues that

"The two pins are permanently inserted into slots (s and s') of the structure F that is similar to the riving knife of the current application. The two pins of Groff allow the guard B only to shift upward when a workpiece is presented to the saw blade, but do not serve as a mechanism to allow the guard to be releasably attached to the riving knife as provided in claim 1, (and dependent claims 2 and 3)."

The Examiner respectfully disagrees with applicant's analysis. There appears to be no support in Groff for applicant's position. To the contrary, Groff clearly teaches that the pins are removable from the slots. In lines 74-76, Groff describes that the upper portions of the slots S, S' are enlarged, as shown in Fig. 1, to enable the rollers to be inserted in said slots. Clearly, this teaches one having ordinary skill in the art that the pins of Groff are insertable into and thus removable from the slots.

In the third paragraph on page 9 of the amendment, applicant argues that

"Groff does not provide any teaching to allow the guard to be removed from the riving knife without any tools."

The Examiner respectfully disagrees in that the pins of Groff are provided with milled heads (e.g., e, e') that provide a gripping surface for tightening/loosening the components. Thus, it is respectfully submitted that the guard of Groff can clearly be

removed from the riving knife without tools. Further in the third paragraph on page 9 of the amendment, applicant argues that

“Groff does not teach the use of a riving knife with two slots, and the slots shown in Groff are not dogleg shaped in opposite directions.”

The Examiner again respectfully disagrees in that Groff clearly teaches a riving knife (e.g., F) with two slots (e.g., s, s'), and further teaches that these slots are dogleg shaped in opposite directions to the extent claimed (e.g., slot s is dogleg shaped to the left, slot s' is dogleg shaped to the right).

In the fourth paragraph on page 10 of the amendment, applicant argues that there is no motivation for combining the references. The Examiner respectfully disagrees and submits that Troupenat clearly teaches an applicable improvement for at least those benefits taught thereby including safety. The action of the lever of Troupenat makes for a smoother, more reliable raising of the guard due to the mechanisms due to the various levers and slides. Clearly, such a configuration would be a desirable modification of Groff.

In the paragraph bridging pages 10 and 11 of the amendment, applicant argues that “Elements 11 and 12 ... do not form a bail” and “Groff provides no teaching of a bail.” However, the Examiner respectfully disagrees and submits that elements of Troupenat including elements 11 and 12 meet the limitation of a bail to the extent claimed and are clearly capable of performing the same function as the bail disclosed in the present invention.

Similarly, it is respectfully submitted that applicant's arguments on pages 11-12 have been fully considered but are not considered to be persuasive.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can be reached Monday, Tuesday, Thursday and Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571)272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Clark F. Dexter', is positioned above the printed name.

Clark F. Dexter
Primary Examiner
Art Unit 3724

cf
February 22, 2005